

Applicant : Invensys Systems, Inc.
Serial No. : 10/680,411
Filed : October 8, 2003
Page : 9 of 13

Attorney's Docket No.: 12780-023001 / 02,003

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 2 and replaces the original sheet including Fig. 2.

As requested by the Examiner, reference numeral 240 has been added to FIG. 2 in a location corresponding to the position of 240 as previously presented in the informal drawings filed on October 8, 2003.

REMARKS

Claims 1-20, 22-29 and 38-46 are pending in the present application, with claims 1, 11, 18 and 38 being independent. Reconsideration of the present application is earnestly solicited.

Election/Restriction

The Office has required the restriction of claims 1-10 (Group I), 11-17 (Group II), 18-20 and 22-29 (Group III); and 38-46 (Group IV). This restriction is respectfully traversed.

Applicants elects, with traverse, Group I. However, Applicant submits that each of Groups I-IV should once again be examined on their merits. At a minimum, Applicant submits that it would be improper for Groups I and IV to be separated as suggested by the Office.

Applicant submits that the restriction requirement is improper. See MPEP § 808 Specifically, the Office has not made any attempt to show that examination of Groups I-IV in the same application would present a serious burden on the Examiner. Section 808.02 of the MPEP requires that the Office "must explain why there would be a serious burden on the examiner if restriction is not required." However, the Office has not provided any indication of any burden, let alone a serious one. Moreover, even if the Examiner had attempted to demonstrate a "serious burden," the prosecution history of the present application clearly establishes that an examination of Groups I-IV in the same application would not present a serious burden on the Examiner. For example, Groups I-III were already examined by the Office, e.g., an office action on the merits of Groups I-III was already issued by the Office on July 5, 2005. Further, in the Office Action mailed on July 5, 2005, the Examiner previously indicated that current groups I-III were actually classified in the same class and subclass, e.g., class 700, subclass 36. Finally, group IV also appears to fall within the same class and subclass previously identified by the Examiner. Accordingly, Applicant submits that this restriction requirement should be withdrawn and respectfully submits that the Office should issue a new office action which acts upon previously considered Groups I-III.

In addition, Applicant submits that independent Groups I and IV should be grouped together as the apparatus and system of these allegedly distinct groups are actually directed at the

same embodiment described in the present application, e.g., see FIG. 2 and the supporting description. In accordance with MPEP § 806.03, Applicant submits that Groups I and IV should clearly be examined in the same application.

Personal Interview Request

Applicant respectfully requests the courtesies of a personal interview with the Examiner and the Examiner's supervisor to discuss the propriety of this restriction requirement in a final office action.

Drawings

The Examiner has objected to the drawings for allegedly failing to comply with 37 CFR 1.84(p)(5). This objection has been rendered moot. As requested by the Examiner, FIG. 2 has been amended to include reference numeral 240 in a position corresponding to FIG. 2 as filed on October 8, 2003.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2 and 4-10 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Eryurek et al. (U.S. Patent No. 6,795,798). Claims 1 and 3 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Eryurek et al. (U.S. Patent Publication No. 2005/0037249). These rejections are respectfully traversed.

Applicant submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations recited in the claims. Accordingly, these rejections should be withdrawn.

With respect to claim 1, Applicant submits that the prior art of record fails to teach or suggest each and every feature of the unique combination of features recited in the claims. For example, the prior art of record does not teach or suggest the feature of an apparatus with a service portal comprising "a remote collector that collects parameter data from process field devices and *application object data from at least one workstation associated with the process field devices. . .and a block configurator for controlling application object data generated for the*

at least one workstation from a central location” as recited in claim 1. (Emphasis added.)

Accordingly, the rejection of claim 1 and its dependent claims 2-10, is traversed.

The Office has identified the computer (element 30) and system expert (element 50) of the Eryurek references as being analogous to the service portal recited in claim 1. Applicant disagrees with this interpretation. Even if the computer (element 30) and system expert (element 50) of the Eryurek references were considered analogous to the recited service portal, there is no teaching or suggestion of a service portal having a remote collector that collects parameter data from process field devices and application object data from at least one workstation associated with the process field devices and/or a block configurator for controlling application object data generated for the at least one workstation from a central location. (Emphasis added)

Accordingly, this rejection should be withdrawn.

First, the Office has relied upon the system expert (element 50) as allegedly describing the recited remote collector and the block configurator. Applicant submits that this is improper as these elements are claimed as separate elements within an apparatus. Second, the system expert (element 50) of Eryurek is not a block configurator for controlling application object data generated for the at least one workstation from a central location. Rather, as identified by the Examiner, the system expert includes or executes index generation software 51 that creates indexes associated with devices, like process control and instrumentation devices, etc. See col. 9, lines 23-62 of Eryurek. However, these allegedly analogous “indexes” are not “application object data.” One of ordinary skill in the art would recognize that application object data relates to application objects that serve as data files that temporarily store the gathered data, e.g., such as by collecting data from data probes 270 from the field devices 210. Further, the Examiner is requested to review pages 9-14 of the present application (supporting FIGS. 2-3) to better appreciate an application object and application object data. For example, application object data is process data associated with system resources, e.g., free memory, disk space, control processor loading, configurable operating system resources, and kernel resources. While Eryurek describes the collection of process parameter data, Eryurek does not describe or suggest the collection of application object data and/or the recited block configurator. Accordingly, this rejection should be withdrawn.

Applicant submits that all of the claims are in condition for allowance.

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Page : 13 of 13

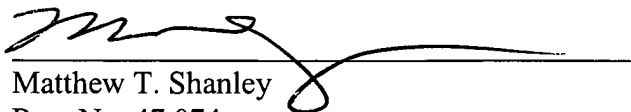
Attorney's Docket No.: 12780-023001 / 02,003

The Examiner is requested to contact the undersigned at the telephone number provided hereinafter to schedule an interview with the Examiners' supervisor.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 28, 2006


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